IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Bail Appl..No. 1543 of 2007()

PETITIONER/ACCUSED :

SHAMEER, AGED 27 YEARS, (LUNATIC),
REPRESNTED BY HIS FATHER MAMMUKKUTI,
RANDU VALIYIL HOUSE, KOTTOOR AMSOM PALOLI DESOM,
KOYILANDY TALUK, KOZHIKODE DISTRICT

BY ADV. SRI.SANTHARAM.P

RESPONDENTS:

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1. THE S.H.O., BALUSSERY POLICEM KOZHIKODE DISTRICT

2. STATE, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1543 of 2007

DATED: 14th March 2007

O R D E R

Petitioner who is the accused in Crime No. 97 of 2007 of Balussery Police Station for an offence punishable under Section 511 of 376 I.P.C., seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. According to the petitioner, he is a mentally ill person and represented by his father who filed this application.

4. It is too early to accept the petitioner's case that he is non compose mentis and, therefore, he is incapable of committing the offence as alleged.

5. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the contentions raised by the petitioner to the effect that he is a mentally ill person and that the allegations levelled against him are false.

With the above observation this application is disposed of.

V.RAMKUMAR, JUDGE.

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